

COMMITTEE OF THE WHOLE JANUARY 11, 2011

2010 GENERAL ELECTIONS ACCESSIBILITY REPORT

Recommendation

The City Clerk and Returning Officer recommends:

- 1) That this report be received by Council pursuant to section 12.1(2) of the *Municipal Elections Act, 1996*; and
- 2) That a copy of the report be forwarded to the City's Accessibility Advisory Committee for information.

Contribution to Sustainability

N/A

Economic Impact

Measures to address barriers facing voters and other election stakeholders who have disabilities have for the most part been incorporated in the base budget for the election since they exist to the benefit of all voters. The cost of the accessible voting appliances used in the election were included in the overall tabulator lease. Consumables and attachments, such as sip and puff devices, paddles, programming for the devices, and magnifying screens, cost under \$5000.

Communications Plan

A link to the 2010 General Elections Accessibility Report will be posted to the City's election website, www.vaughanvotes.ca, and it is recommended that a copy of the report be forwarded to the City's Accessibility Advisory Committee for information.

Purpose

The purpose of this report is to present for Council's consideration a report on how the administration of the 2010 general municipal elections addressed the needs of voters, candidates and election workers with disabilities. This report also satisfies the City Clerk/Returning Officer's obligation under section 12.1 of the *Municipal Elections Act, 1996*, to submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

Background - Analysis and Options

Section 12.1 of the *Municipal Elections Act, 1996* specifies that a Clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. Subsection 45(2) of the *Act* specifies that in establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities. Even in the absence of the statutory obligation, providing an accessible election is one of the core principles that guided the City Clerk and his election team in planning and delivering the 2010 general municipal and school board elections.

A threefold approach was taken to planning for the 2010 General Municipal Election. Firstly, every place to be used as a voting location had to be physically accessible – that is to say that there were to be no physical barriers to persons with disabilities from entering the voting place and exercising their right to vote, or to otherwise participate in the election on behalf of a candidate or as election staff. Secondly, the needs of voters with disabilities other than those

relating to physical accessibility were to be addressed so far as reasonably possible. The third element focused on communications and training.

On April 27, 2010, the City's Accessibility Advisory Committee was provided with an overview of the City Clerk/Returning Officer's accessibility plan for the election, and was provided with a demonstration of the specialized equipment to be used during the advance vote. The Committee was very supportive of the City Clerk's approach and was interested in hearing the results of the initiative after the election.

1. Physical Accessibility at Voting Locations

School Board sites:

On March 12 and April 14, 2010, the City Clerk/Returning Officer and senior members of the election project team met with senior administrators from the York Catholic District School Board and with the York Region District School Board to discuss a variety of topics related to the election. Given the significant number of schools that were to be used as voting locations, a key component of the discussion was the need to make every voting location physically accessible, and to maintain that accessibility throughout Election Day. Both school board administrative teams acknowledged the responsibility and assured election staff that school board personnel would support the initiative, and that internal communications would be sent to prevent any last-minute changes that might undermine the effort to provide full physical accessibility. There were no reports of board staff at any of the school voting locations taking steps that interfered with the accessibility of the voting process, and the City Clerk/Returning Officer thanks both Boards for that cooperation.

Accessibility Audit:

In May and June of 2010, four teams from the City Clerk's Office completed a four page accessibility audit report for all voting locations under consideration. The audit included a checklist of items such as the measuring of door and ramp widths, turning radii, the availability of automatic accessible door entrances, adequate lighting, accessible parking, and an assessment of any physical plant that might form a barrier to accessibility (staff used rented wheelchairs to help determine whether such barriers existed). The audit included the taking of location photographs.

As a result of the audit, some facilities which had been used in previous elections were deemed not suitable for use in the 2010 general elections. Where necessary, voting subdivisions were merged to ensure voters were provided accessible facilities, with the trade-offs including larger numbers of voters being processed at a particular place, and unfamiliar locations being used for some voters.

Removal of physical barriers:

In some circumstances, facilities which did not have automatic accessible door entrances were assigned a Customer Service Officer whose duties included assisting electors by opening the door to the voting place.

The layout of the various voting locations included space for a five-foot turning radius between the tables and voting screens. This ensured that sufficient space was incorporated in the layout for ease of movement for those electors who use mobility devices such as walkers, scooters and wheelchairs.

When designing the layout for the voting places, extra seating was included in the plan for use by voters and scrutineers. During the training process, election workers were directed to be attentive to voters requiring a chair while waiting in lines as necessary.

Voting locations used yellow vinyl signs to designate the accessible entrance. In addition, yellow and black signs bearing the universal accessibility symbol were placed at the street entrance to each voting location. Voting locations were placed as close to accessible entrances/accessible parking as was possible in the circumstances.

2. Non-physical barriers

Accessible voting appliance:

Numerous advance vote opportunities were provided during the 2010 general elections. 'Advance Voting Week' ran from October 4th through 10th, with weekday voting hours extending as long as 6:00 a.m. (at the Civic Centre) to 9:00 p.m. (at the Promenade Shopping Centre and at Vaughan Mills Mall). With the inclusion of a community centre in each ward, a total of seven locations over the seven days were provided. An additional two days of advance voting was provided at York University on the 18th and 19th of October. Each advance voting location was outfitted with an accessible voting appliance that helped address the needs of voters who might have difficulty in negotiating a paper ballot.

The appliance consisted of a tactile controller with large buttons distinguishable by shape and colour. Each button had a Braille label next to it. The device itself was connected to the vote tabulator, and connected to the device were a set of headphones, and at the voter's option, a set of paddles or a sip and puff device. At the request of a voter, the device could be used to allow the voter to vote independently by listening to instructions and the names of candidates through the headphones. Though the process could take in excess of twenty minutes, by pressing buttons on the tactile controller (or by using paddles, or the sip and puff device, depending on the nature of the disability) a voter could cause a ballot to be printed using a dedicated printer connected to the vote tabulator. The printer would produce a ballot that looked like any other ballot used in the election – including randomized marks within the voting spaces that appeared as if they were produced by hand. The ballot would be output into a special secrecy sleeve, and from a secrecy folder be deposited into the vote tabulator where it would be scanned and tabulated *like every other ballot used in the election*.

During the nomination meeting with the City Clerk/Returning Officer, every candidate was asked to speak their name into a recording device so that the pronunciation of their name would be properly made for voters using the accessibility device. When a name was selected, the candidate's own voice could be heard reciting the name as it appeared on the ballot.

Only one voter made use of the accessible voting device after having contacted the City Clerk's Office. The voter (and a parent) were provided with transportation to the York University advance voting location. In the end, the voter provided the following feedback:

- the opportunity to vote independently is important to persons with disabilities and the City's use of the tactile controller was very much appreciated, even with the limitations noted;
- the headphones provided with the device were not sufficient to block out background noise. The York University location was particularly noisy and the voter found it difficult to hear the device's instructions (headphones more conducive to noisy environments have been purchased for the January 10th York Catholic School Board by-election);
- the ability to speed up or slow down instructions on the device was helpful – though the process of voting with the device seemed unduly lengthy.

In the face of a printer error at the conclusion of the session, and in order not to delay the parent who accompanied the voter, the voter decided to have the parent vote on the voter's behalf after taking the necessary oaths administered by election officials.

The voter's and staff's experiences will be communicated to Dominion Voting Systems for use in improving the device in time for the next general municipal election.

Vote Marking by a 'Friend' or Election Staff

Pursuant to paragraph 4 of subsection 52(1) of the *Municipal Elections Act, 1996*, Deputy Returning Officers were empowered to administer oral oaths to permit electors who needed assistance in voting to have such assistance as the Deputy Returning Officer considered necessary. Oral oaths were administered to both the voter and the person acting as the voter's 'friend' in marking the ballot according to the voter's instructions. In some cases, election officials, already having taken oaths to maintain the integrity and secrecy of the voting process, filled the role.

Proxies:

Voters who chose not to vote at a voting location had the ability to appoint another person as their voting proxy, pursuant to section 44 of the *Municipal Elections Act, 1996*. Proxy voters could vote at any of the advance vote locations or at the voter's designated location on Election Day.

Other Devices:

Many people with visual impairments do have some element of vision. To assist voters and staff, magnifying sheets were provided as a standard supply item at every voting location. Customer Service Officers were available to assist at multiple poll locations, and they and other election staff were provided with pads to help demonstrate to voters how to mark a ballot. Each ballot also contained a sample voting space (the space between the head and tail of the red arrow pointing to the name of a candidate) and Deputy Returning Officers were instructed to show every voter how to indicate their vote(s) with reference to the sample voting space.

Nursing and Retirement Homes, and Seniors:

Pursuant to Subsections 45(7) and 46(3) of the *Municipal Elections Act*, dedicated voting locations were provided at retirement/nursing homes meeting the 50/20 respective bed threshold set out in the *Act* on a reduced hours basis (one three hour shift in either the morning or afternoon, to include either the lunch or dinner meal period). Meetings with the administrators of each of the qualifying locations were conducted in the Spring of 2010 with follow-ups by telephone in the early fall to ensure that the residents of these facilities were given full access to the voting process. In anticipation of it becoming necessary, specific training was provided to election officials working in these facilities to provide bedside voting.

Prior to October 25, 2010 to ensure ease of accessibility to residents, on-site revisions to the voters' list were conducted at facilities where the Preliminary Voters' List provided by the Municipal Property Assessment Corporation showed few (or no) eligible voters.

Voter Information Notices were sent to all of the residents involved, advising them of the reduced voting hours, the location of the poll within their facility as well as the dates of the advance votes. In addition, posters were supplied to the administrators of each facility to reinforce the date and times of voting. Identification requirements were communicated well in advance of Election Day so that residents could have the necessary documents with them.

In addition to the arrangements made with retirement and nursing homes, special outreach was made to SAVI, an umbrella group representing seniors' groups in the City. On July 27, 2010 the

City Clerk/Returning Officer and the Election Coordinator met with the SAVI board and provided an overview of the City's election awareness campaign, and a description of the City's plans for addressing any barriers for persons with disabilities. The presentation was so well received that two additional dates were requested so that individual members of clubs represented by SAVI could hear the presentations. Presentations were prepared for September 14 and 16, 2010 and advertised through SAVI. Regrettably, despite the original interest by the SAVI board, attendance at the sessions was extremely poor.

3. Communications and Training

Candidate's Information Guide:

During the nomination filing process each registered candidate was provided a candidate's guide issued by the Ministry of Municipal Affairs and Housing. In it, candidates were advised of an amendment to the *Municipal Elections Act, 1996* which stated that any candidate with a disability was able to charge expenses, which would not have been incurred except for the election, towards their campaign and these expenses were excluded from the candidate's spending limit. Examples included costs for a sign-language interpreter for door-to-door campaigning, costs of accessible transportation to attend campaign events/all candidate's meetings or the costs of specialized software.

Ministry of Municipal Affairs and Housing (MMAH) candidate training on May 18, 2010 conducted in the City of Vaughan Council Chamber included a discussion on accessibility requirements and the legislation related to candidates with a disability. Ministry officials explained that expenses incurred by a candidate that were directly related to a disability were excluded from the permitted spending limit.

During the nomination filing process, candidates were advised that all voting places would be accessible and that accessible voting devices would be used during the Advance Vote period. Each candidate received a detailed explanation of the types of accessible devices available for independent voting at each of the Advance Vote locations.

In addition, for use with the accessible voting appliance, each candidate was asked to pronounce their name into a recording device so that a voter using the audio device would hear the proper pronunciation of candidate's names.

Each candidate was also provided a copy of a joint publication from the Association of Municipal Managers Clerks and Treasurers of Ontario (AMCTO) and the Province of Ontario entitled 'Candidate's Guide to Accessible Elections'. An explanation was given to each candidate on how the document could assist in making a candidates' campaign accessible to voters with disabilities.

In addition to the hardcopy of these documents, candidates and voters were provided access to these reference documents in the Useful Links section of the [vaughanvotes](http://vaughanvotes.ca) website.

Municipal Election Website – www.vaughanvotes.ca and www.thisisyourspace.ca:

Dedicated websites were created for the purpose of the general elections for use by both candidates and voters. The websites were designed to work across all browsers, and on mobile devices. They also worked with screen readers, employed contrasting colours for ease of reading, and used a standard Arial font that could be increased or decreased in size.

Closed captioning was utilized on the "How to Vote" video on the [thisisyourspace](http://thisisyourspace.ca) site with a link to the [vaughanvotes](http://vaughanvotes.ca) site. The video provided a demonstration on ballot marking procedures.

In the "I Want to Vote" section of vaughanvotes.ca website, opportunity was provided to voters and candidates to provide feedback on both voting location accessibility and accessibility initiatives provided during the municipal election process.

Sample ballots were provided for on the vaughanvotes.ca website with the purpose of familiarizing voters with actual ballot faces so that they could be fully prepared to vote when being issued a ballot at a voting location.

Municipal Election 2010 Brochure:

In the late summer/early fall of 2010, in conjunction with the Recreation and Culture Department, an election brochure and advertisement was included in 2010/11 Fall and Winter Recreation and Culture Guide. The brochure was included within the guide packaging as well as a one page advertisement on the back page of the guide itself. The brochure included information such as voting eligibility, when and where to vote and other accessibility as shown below:

Accessibility

All voting places will be physically accessible. However, if you have special needs in marking a ballot please come to one of the Advance Voting locations. For more information please contact:

Access Vaughan at 905 -832-2281.
Hearing Impaired (TTY): 1-866-543-0545.



Accessible Election Poster:

The nine municipalities within York Region worked together to create a poster to advertise accessibility during the 2010 elections. The poster was distributed to accessibility organizations within York Region with the request that the information be provided to their clients. Included on the poster was contact information for the election official at each of the municipalities. The 2010 experience shows, unfortunately, that the information provided to the organizations did not necessarily reach the intended audiences and a more direct campaign will be considered in the future.

Accessibility Training Component:

In accordance with Ontario Regulation 429/07, Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005* everyone who works for or on behalf of a municipality must receive customer service training regarding their interaction with individuals with various disabilities and how best to provide service.

Recognizing that all municipalities would be planning to design a similar training package geared towards election workers, the York Region Clerks group pooled resources to offer a joint training by an accessibility expert at the offices of the Town of Whitchurch-Stouffville.

The session was attended by not only municipalities within York Region but also by a number of other municipalities from as across the Southern Ontario - including Toronto, Barrie, Peterborough, Oakville, Ajax and Whitby. The training session provided "train the trainer" material for use in delivering customer service training to all election officials.

The information from the accessibility session was incorporated into the 23 training sessions delivered by City Clerk's staff to all election staff hired to work for the 2010 municipal elections.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council, particularly "Demonstrate Leadership and Promote Effective Governance".

Regional Implications

N/A

Conclusion

Aside from the one printer error noted above when using the accessible voting appliance, there were no significant barriers identified in the course of the 2010 election that related specifically to voters with disabilities. It should be noted that at some locations, long lines may have posed difficulty for persons who did not have the ability to stand for long periods, or who were tired. The issue of long lines will be addressed in planning for the 2014 general municipal and school board elections.

Despite the City's efforts at providing accessible voting opportunities, only one voter availed themselves of the opportunity to use an accessible voting device, and only two other persons made inquiries. For 2014, a more focused approach will be made, and the following are under consideration:

- reducing the provision of accessible voting devices to a single location such as City Hall, by appointment, but in doing so:
 - offer the service throughout the voting period, up to (and perhaps including) Election Day;
 - offering/providing free transportation to and from the central location for voters with disabilities, and one companion;
- investigating the use of Braille templates or other devices to more simplify independent voting by persons who have diminished or no sight;
- more aggressive outreach to organizations representing persons with disabilities;

- discussions with Dominion Voting Systems, the provider of the City's vote tabulator technology, on improvements that can be made to accessible voting appliances;
- including the needs of voters with disabilities in the considerations to be given to the potential use of internet voting in future Vaughan elections.

Suggestions made by the City's Accessibility Advisory Committee and other interested parties will also of course be given full consideration.

Attachments

N/A

Report prepared by:

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Respectfully submitted,

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